

### **REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-30 are pending. Claims 1-30 stand rejected.

Claims 1, 5, 12, 16, 24, and 28 have been amended. Claims 4, 15, and 27 have been cancelled. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicant submits that the amendments do not add new matter.

### **Rejections Under 35 U.S.C. 102(b)**

Claims 1-3, 12-14, and 24-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the prior art section (Figs. 1-3 and corresponding description portion) of U.S. Patent No. 6,131,138, of Packer, et al. ("Packer"). The Examiner stated that

- (a) As per claim 1: Packer APA teaches a method comprising:
  - i. Using an optical drive to read a file from an optical storage medium, the optical storage device having a plurality of drive speeds [figure 3, col. 2, lines 16-28];
  - ii. Determining a drive speed from the plurality of drive speeds based upon a format of the file [see again col. 2, lines 16-28].
- (b) As per claim 2: Packer APA further teaches various types of data format ranging from CD\_ROM, photo CD, CD-I, DVD, laser disc, CD-audio to various video formats and that the different types of CD data are sometimes speed specific [see col. 1, lines 11-22]
- (c) As per claim 3: packer APA further discloses that the plurality of drive speeds comprises 1X and multiple of X [see col. 2, lines 19-28]
- (d) As per claims 12-14: the claimed machine readable medium is no more than storage medium for storing instructions for carrying the steps of claims 1-3. The Packer APA must have carried out the mentioned steps using instructions stored in the RAM (124) or EPROM (122). Accordingly, Packer APA also teaches the claimed machine-readable medium.
- (e) As per claims 24-26: the claimed system basically comprises the corresponding means or elements for carrying out the steps in claims 1-3. Accordingly, Packer APA also taught the claimed system.

(p. 2-3, Office Action 10/6/03)

Packer discloses

Optical discs have become an integral part of computer systems due to their ability to store large quantities and types of data on a single medium. For example, compact discs (CD) are capable of holding over 630 megabytes of data. The types of data can range from computer CD read only memory (ROM) data, photo CD, CD-i, DVD, laser disc, CD-audio to various video formats, as well as the myriad of other data formats, as known in the art. The different types of CD data are sometimes speed specific, i.e., the CD must be spinning at a fixed speed in order to properly process the CD data.

(col. 1, lines 11-22)

Upon receiving a request for information that is speed dependent, microprocessor 20 typically instructs DSP 14 to adjust the speed of the servo/motor assembly to a speed associated with the speed dependent format. For CD-audio data the speed is normally at a constant linear velocity such that the data is read at the audio sample rate of 44.1 kHz per sample, a sample consisting of two sixteen bit values, commonly referred to as 1.times. speed. Most CD-drives today operate at speeds much greater than the 1.times. speed required for reading CD-audio data. For example, CD-drives can operate at 24.times. speed (i.e., twenty times the speed of 1.times.), and typically are not slower than 4.times. speed. Normally the highest speed is the most optimal and is the normal operating speed.

(col. 2, lines 16-28)

Applicant respectfully submits that amended claim 1 is not anticipated by Packer under 35 U.S.C. 102§(b). Amended claim 1 includes the following limitations:

A method comprising:

using an optical storage drive to read a file from an optical storage medium, the optical storage drive having a plurality of drive speeds; and  
determining a drive speed from the plurality of drive speeds based upon a format of the file by accessing a coded drive-speed lookup table.

(Amended claim 1) (emphasis added)

Applicant respectfully submits that Packer does not disclose the limitation of a coded drive-speed lookup table as acknowledged by the Examiner. For this reason, applicant respectfully submits that amended claim 1 is not anticipated by Packer. Given that claims 2, 3, 5 and 6 depend from claim 1, applicant respectfully submits that claims 2, 3, 5, and 6 are likewise not anticipated by Packer. Further, given that claims 12-14 and claims 24-26 include a similar

limitation, applicant respectfully submits that claims 12 – 14 and 24 - 26 are likewise not anticipated by Packer.

**Rejections Under 35 U.S.C. § 103(a)**

Claims 4-11, 15-23, and 27-30 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,131,138, of Packer, et al. (“Packer”) in view of well-known features of which Official Notice is hereby taken. The Examiner has stated that

- (a) Packer APA teaches system and method for operating an optical disc drive at various speeds depending on the types of data format, as mentioned.
- (b) Packer APA, however, does not explicitly teach that the step of determining a drive speed further comprising a step of accessing a coded drive-speed lookup table stored as a firmware in a nonvolatile memory such as a ROM, PROM, EPROM, and EEPROM, or a flash memory.
- (c) As previously mentioned that the Packer APA teaches multiple types of data format which is accessed at a predetermined and/or specific speed. Accordingly, the APA packer must have relied on some source of lookup table and/or certain predetermined information in order to control the disc drive speed in accordance to the specific type of data format. Furthermore, saving control information in a non-volatile memory is common practice in the art due to the fact that the data would be remained in the memory even when the system power is cut off.
- (d) Accordingly, it would have been obvious to one having ordinary skill in the art, if not already inherent in the Packer APA, at the time the invention was made to form a lookup table having a plurality of data format types and their corresponding disc drive speeds, and storing such table into a non-volatile memory such as that of Packer APA EPROM 122.

(p. 3-4, Office Action 10/6/03)

Applicant respectfully submits, however, that Packer’s APA and the “well-known” features of which the Examiner takes Official Notice are incompatible and non-combinable.

The whole point of Packer is that changing speeds is undesirable. Packer teaches away from and in direct contrast to any device that would change speeds based on file format or for any reason. Packer cites increased access time to retrieve information, detrimental effect on long-term reliability of the servo/motor assembly, and costly added complexity, as reasons for not providing a drive that changes speed based upon file format. Therefore, one skilled in the


art, having the teachings of Packer before them, would in no way be motivated to form a lookup table having a plurality of data format types and their corresponding disc drive speeds.

For these reasons, applicant respectfully submits that claims 1, 7, 12, 19 and 24, and their respective dependencies are not anticipated by Packer in view of the well-known features of which the Examiner has taken Official Notice.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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